IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1839 OF 2007

Vivek Kashinath Gavand. ..Applicant.

Versus

The State of Maharashtra ...Respondent.

....

Mr.C.R.Sonawane, Adv. for the Applicant.
Mr.Rajesh More, APP, for the State.

....

CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 21st June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking anticipatory bail in C.R.No.55 of 2007 of Uran Police Station. The said case is mainly under Section 307 of IPC.

3. It is the prosecution case that there was political rivalry between the complainant in the present case and the applicant. It is the case of the complainant that on 8.4.2007 at about 8:45 p.m., the present applicant along with others came to his house and they assaulted his brother Hiraman Patil and one Kailash Patil. The present applicant assaulted the complainant, Hiraman and Kailash with sword. Hiraman Patil sustained five injuries i.e. (1) CLW Rt. Temproparietal area 6

cm X1cm bonedeep, (2) abrasion Rt. maxillary area 4 cm X 4 cm, (3) fracture (undisplaced) Rt. temporal bone, (4) Rt. franto temproparietal extra axial (subdural) haemafoma c- midline shift to Lt. and minimal subarchnoid extension, and (5) diffuse cerebral oedema c- diffuse axonal injury. Kailash Patil sustained four injuries i.e. (1) fracture distal phalynx Lt. thumb, (2) CLW Lt. parieto occipital giranctin 4 cm X 1 cm X bone deep, (3) incised wound Lt. parietal area 3.5. cm. X 1 cm X bone deep, and (4) crush injury Lt. thumb.

4. Mr.Sonawane, the learned Advocate for the applicants submitted that this case has been filed only on account of political rivalry and because the applicant had lodged FIR against the present complainant, his brother and other persons. The said complaint is C.R.No.54 of 2007. I have perused the papers relating to that case. The said case is under Section 326 of IPC. Only one person has received injuries in the said incident i.e. the present applicant Vivek. Vivek has sustained four injuries in the said incident i.e.(1) CLW sutured 10 cm Rt. parieto occipital region (opinion reserved), (2) abrasion 2 X 1 cm neck Lt. size (simple), (3) # Rt. ulna puncture compound lower 1/3 at Rt. (grievous), and (4)

blunt trauma diffused Lt. elbow. All the injuries are by hard and blunt substance.

5. Looking to the fact that the applicant - Vivek has also sustained injuries in the said incident some of them being grievous or serious in nature, I am inclined to grant anticipatory bail to the applicant.

6. In the event of arrest, the applicant - Vivek Kashinath Gavand to be released on bail in the sum of Rs.30,000/- with one or two sureties to make up the said amount. The applicant shall report to Uran Police Station everyday for 15 days starting from 25.6.2007 from 11:00 a.m. to 2:00 p.m.; and thereafter once in a week, till conclusion of the trial.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)